

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)	
)	
vs.)	
)	Docket No. 1842
Enrique Meza, Jr.)	
Correctional Officer)	
Star # 16542)	

DECISION

This matter was remanded back to the Cook County Sheriff's Merit Board (Board) on March 19, 2019, by the Honorable Sophia H. Hall, Judge, Cook County Circuit Court, for the reconsideration of the penalty phase of the Board's original order in this matter. The Court directed the Board review the matter regarding Respondent Enrique Meza's (Respondent) conduct as addressed in the hearing before Kim R. Widup, Board Member, on June 23, 2016, without consideration of certain hearsay evidence that was admitted in front of the Board. The Court further ordered that the Board prepare its penalty phase order based on evidence regarding the Respondent's "*uncooperativeness, the gun in the car and being intoxicated*" (page 31 of hearing transcript in front of the Honorable Judge Hall on March 19, 2019). The Board has heard the evidence presented by the Sheriff and the Respondent and has evaluated the credibility of the witnesses and supporting evidence. The initial decision of the Board is incorporated in this decision by reference without any reliance upon hearsay evidence and the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

Enrique Meza, Jr., hereinafter Respondent, was appointed a Correctional Officer for the Cook County Department of Corrections (CCDOC) on October 12, 2010. Respondent's position as a Correctional Officer involves duties and responsibilities to the public; and

Each member of the Cook County Sheriff's Merit Board, hereinafter Board, has been duly appointed to serve as a member of the Board pursuant to confirmation by the Cook County Board of Commissioners, State of Illinois, to sit for a stated term; and

The Board has jurisdiction of the subject matter of the parties in accordance with Chapter 55 of the Illinois Compiled Statutes; and

The Respondent was personally served with a copy of the Complaint and notice of hearing and appeared before the Board with counsel to contest the charges contained in the Complaint.

Background

On October 12, 2010, the Respondent was appointed a Correctional Officer. On January 27, 2011, the Respondent was assigned to Division VI of the CCDOC, 2801 S. Sacramento Avenue, Chicago, IL. On November 1, 2012, the Respondent was assigned to Division X of the CCDOC, 2950 S. California Avenue, and on August 26, 2013, the Respondent was assigned to Division VIII of the CCDOC, 2800 S. California Avenue, Chicago, IL.

Complaint of the Sheriff, dated October 21, 2015, alleged, in pertinent part:

On April 15, 2012, at approximately 03:52 hours, while off duty, the Respondent was involved in a physical fight with [REDACTED] ([REDACTED]) at the Atlantis Gentlemen's Club (Atlantis), 1897 Stony Island, Ford Heights, IL. During the fight the Respondent kicked [REDACTED] in the groin area.

On April 15, 2012, as Security personnel from Atlantis attempted to handcuff the Respondent, he broke free, ran toward [REDACTED] and kicked [REDACTED] in the head twice, causing further injury to [REDACTED].

On April 15, 2012, the Respondent was arrested by the Police Officer [REDACTED], Cook County Sheriff's Police Department (CCSPD). Officer [REDACTED] detected a strong odor of alcohol coming from Respondent as he was being handcuffed during his arrest. The Respondent was charged with the offense of Battery in violation of 720 ILCS 5/12-3(a)(2).

On April 15, 2012, the Respondent's duty weapon, a Glock 17 9MM semi-automatic handgun (serial # [REDACTED]), was found unsecured and inside the trunk of the Respondent's vehicle. During his arrest processing, the Respondent was uncooperative with CCSPD and he threatened to file a lawsuit against all the officers involved in the arrest. The Respondent failed to maintain a professional demeanor and the Respondent's conduct throughout the incident was unbecoming of an officer of the Cook County Sheriff's Office.

On January 15, 2014, the Respondent was interviewed and provided a signed statement to investigators from the Cook County Sheriff's Office of Professional Review (OPR). The Respondent falsely reported that he was knocked unconscious when he was head butted by one man. The Respondent falsely reported to investigators from the OPR that when he woke up he was in handcuffs and taken into custody by the CCSPD. The Respondent further falsely reported to investigators from the OPR that he did not kick [REDACTED] either in the groin or in the head.

Issues Presented

By complaint dated October 21, 2015, upon a finding of guilt, the Petitioner sought the removal of the Respondent from the Cook County Sheriff's Department.

The Respondent was charged based on his actions detailed above with violations of the Rules and Regulations and General Orders of the Cook County Sheriff's Department,

specifically that the Respondent violated General Order 4.1, Section III, A5&17; General Order 3.8, Section III, A1&4, B6, and D6; Sheriff's Order 09-1, Sections II, IV, A-C, and VI; Sheriff's Order 11.2.20.0, Sections II and VI, A2, D25, H4 and I1; and Article X, Paragraph B1 and 3, of the Rules of the Cook County Sheriff's Merit Board.

This matter was called for trial on June 23, 2016, after the case was continued on several occasions based upon the needs of the Petitioner (Sheriff) and/or the Respondent's request through counsel, and the completion of all discovery matters. At the trial, with a court reporter being present, all witnesses were sworn under oath. The Respondent did testify. During the trial documents were introduced by the Sheriff and the Respondent that were received into evidence. The Sheriff and Respondent made closing arguments addressing issues in the trial.

Decision

The Board finds by a preponderance of the evidence through the testimony of the witnesses; the Respondent's interview with OPR (Exhibit 2); the Respondent's own testimony; and the supporting evidence that the Respondent left his service weapon unattended in his vehicle, while he was in a strip club/bar consuming at least two mixed vodka drinks. The Respondent admitted that he had a low tolerance to alcohol and further admitted he was intoxicated from the amount of alcohol he consumed. The Respondent admitted he was in a fight with [REDACTED], but his recollection of the fight was inconsistent with the facts.

The Respondent's Cook County ID and star were recovered from him at the scene of the bar fight. The Respondent's service weapon was later recovered from the trunk of his car after being towed to the Markham Station from the bar.

The Respondent's conduct; his consumption of alcohol while knowing he had a low tolerance of alcohol; bringing his weapon with him while knowing in advance he was going to a bar; securing his weapon in the trunk of his personal vehicle in the parking lot of a bar/strip club; knowing the CCSO prohibition of leaving a weapon unattended; getting in a fight at a bar after consuming alcohol; attempting to use his position as a law enforcement officer to mitigate the situation; being arrested after consuming alcohol and fighting; and his failure to be candid with OPR, were not in compliance with the standards set for and expected of members of the CCSO.

Based on the evidence presented and after reassessing the credibility of the witnesses and the weight to be given the evidence in the record as directed by the Circuit Court in the remanding of this case back to the Board for the penalty phase, the Board finds that Respondent Enrique Meza, Jr., Star Number 16542, Correctional Officer, CCDOC, did violate General Order 4.1, Section III, A5&17; General Order 3.8, Section III, A1&4, B6, and D6; Sheriff's Order 09-1, Sections II, IV, A-C, and VI; Sheriff's Order 11.2.20.0, Sections II and VI, A2, D25, H4 and I1; and Article X, Paragraph B1 and 3, of the Rules of the Cook County Sheriff's Merit Board.

Wherefore, based on the foregoing, it is hereby ordered that the Respondent Enrique Meza, Jr., be and is separated from employment with the Cook County Sheriff's Office effective October 21, 2015.

Enrique Meza Jr. #1842
Correctional Officer

[Redacted]

James P. Nally, Chairman

[Redacted]

John Dalicandro, Secretary

[Redacted]

Vincent T. Winters, Board Member

[Redacted]

Patrick M. Brady, Board Member

[Redacted]

Byron Brazier, Vice-Chairman

[Redacted]

Kim R. Widup, Board Member

[Redacted]

Juan L. Baltierres, Board Member

Kimberly Pate Godden, Board Member

Date

5/17/19

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County

vs.

Enrique Meza, Jr.
Correctional Officer
Star # 16542

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Docket No. 1842

DECISION

This matter coming on to be heard pursuant to notice before Kim R. Widup, Board Member, on June 23, 2016, the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

Enrique Meza, Jr., hereinafter Respondent, was appointed a Correctional Officer for the Cook County Department of Corrections (CCDOC) on October 12, 2010. Respondent's position as a Correctional Officer involves duties and responsibilities to the public; and

Each member of the Cook County Sheriff's Merit Board, hereinafter Board, has been duly appointed to serve as a member of the Board pursuant to confirmation by the Cook County Board of Commissioners, State of Illinois, to sit for a stated term; and

The Board has jurisdiction of the subject matter of the parties in accordance with Chapter 55 of the Illinois Compiled Statutes; and

The Respondent was personally served with a copy of the Complaint and notice of hearing and appeared before the Board with counsel to contest the charges contained in the Complaint; and

The Board has heard the evidence presented by the Sheriff and the Respondent and has evaluated the credibility of the witnesses and supporting evidence. After considering the evidence, the Board finds as follows:

Background

On October 12, 2010, the Respondent was appointed a Correctional Officer. On January 27, 2011, the Respondent was assigned to Division VI of the CCDOC, 2801 S. Sacramento Avenue, Chicago, IL. On November 1, 2012, the Respondent was assigned to Division X of the CCDOC, 2950 S. California Avenue, and on August 26, 2013, the Respondent was assigned to Division VIII of the CCDOC, 2800 S. California Avenue, Chicago, IL.

On April 15, 2012, at approximately 03:52 hours, while off duty, the Respondent was involved in a physical fight with [REDACTED] ([REDACTED]) at the Atlantis Gentlemen's Club (Atlantis), 1897 Stony Island, Ford Heights, IL. During the fight the Respondent kicked [REDACTED] in the groin area.

On April 15, 2012, as Security personnel from Atlantis attempted to handcuff the Respondent, he broke free, ran toward [REDACTED] and kicked [REDACTED] in the head twice, causing further injury to [REDACTED]

On April 15, 2012, the Respondent was arrested by the Police Officer [REDACTED], Cook County Sheriff's Police Department (CCSPD). Officer [REDACTED] detected a strong odor of alcohol coming from Respondent as he was being handcuffed during his arrest. The Respondent was charged with the offense of Battery in violation of 720 ILCS 5/12-3(a)(2).

On April 15, 2012, the Respondent's duty weapon, a Glock 17 9MM semi-automatic handgun ([REDACTED]), was found unsecured and inside the trunk of the Respondent's vehicle. During his arrest processing, the Respondent was uncooperative with CCSPD and he threatened to file a lawsuit against all the officers involved in the arrest. The Respondent failed to maintain a professional demeanor and the Respondent's conduct throughout the incident was unbecoming of an officer of the Cook County Sheriff's Office.

On January 15, 2014, the Respondent was interviewed and provided a signed statement to investigators from the Cook County Sheriff's Office of Professional Review (OPR). The Respondent falsely reported that he was knocked unconscious when he was head butted by one man. The Respondent falsely reported to investigators from the OPR that when he woke up he was in handcuffs and taken into custody by the CCSPD. The Respondent further falsely reported to investigators from the OPR that he did not kick [REDACTED] either in the groin or in the head.

By complaint dated October 21, 2015, upon a finding of guilt, the Petitioner sought the removal of the Respondent from the Cook County Sheriff's Department.

Issues Presented

The Respondent was charged based on his actions detailed above with violations of the Rules and Regulations and General Orders of the Cook County Sheriff's Department, specifically:

General Order 4.1 – Internal Investigations, in its entirety, including but not limited to, the following subparts:

III. REQUIREMENTS

Misconduct which impairs an employee's ability to perform his/her assigned responsibilities, or adversely affects or involves the Cook County Department of Corrections and/or the Office of the Sheriff of Cook County may be caused for disciplinary action.

Serious misconduct would include those violations of the law which constitutes a misdemeanor or felony, or alleged/suspected, violations of Cook County Department of Corrections rules and orders which pose a threat to the safety of the staff or inmates or the security of the institution. Included also is misconduct committed while an employee is off duty/outside the institution where in the official character and status of the employee as a correctional officer, deputy sheriff, law enforcement officer, or civilian correctional employee becomes

identifiable and calls into question the reputation of the County of Cook, the Office of the Sheriff, or the Department of Corrections.

- A. Guidelines for SERIOUS MISCONDUCT include, but are not limited to:
 - 5. Failure to observe all Federal, State and local laws.
 - 17. Engage in any conduct unbecoming an employee of the Cook County Department of Corrections which tends to reflect discredit on the Department of Corrections or Sheriff's Office.

General Order 3.8 – Ethics and Standards of Conduct, in its entirety, including but not limited to, the following subparts:

III. REQUIREMENTS

The CCDOC Code of Ethics requires the highest level of conduct from all employees. It is the expectation that sworn and civilian employees conduct themselves with high standards of professional conduct and behavior. Employees that fail to maintain high standards of conduct and ethics, will be subject to corrective or disciplinary action, and may include recommendation for termination.

A. Compliance with Laws and Regulations

- 1. Employees will obey all federal, state, county and municipal laws.
- 4. Employees will comply with lawful departmental rules, written procedures, directives, bulletins, and verbal orders issued by the proper authorities.

B. General Standards of Conduct

- 6. Employees will respect the importance of agencies within the criminal justice system and work to improve cooperation with each segment.

D. Professional Conduct

- 6. Employees will maintain professional demeanor while on duty and will refrain from engaging in off-duty behavior that would reflect negatively on the department.

Sheriff's Order 09-1 – Securing Department Authorized Firearms, in its entirety, including but not limited to, the following subparts:

II. POLICY

It is the policy of the Cook County Sheriff's Office that all sworn employees authorized to carry a duty weapon will ensure that the weapon will be secured. No unauthorized person is afforded access to the member's duty weapon at any

time. Furthermore, a duty weapon in any state either assembled or dismantled will not be considered "secure" in a vehicle or in a locked box concealed within a vehicle.

IV. RESPONSIBILITIES

Duty Weapons and Department Issued Weapons are NOT to be left in vehicles:

- A. At any time.
- B. In any condition (including dismantled or unloaded firearms)
- C. Under any circumstance (including lock boxes)

VI. APPLICABILITY

This order applies to all Sheriff's Office sworn employees and is for strict compliance. Any conflicts should be resolved in the favor of this order.

Sheriff's Order 11.2.20.0 – Rules of Conduct, in its entirety, including but not limited to, the following subparts:

II. POLICY

The CCSO serves the citizens of Cook County by performing law enforcement functions in a professional manner, and it is to these citizens that the CCSO is ultimately responsible. Employees of the CCSO shall conduct themselves in a professional and ethical manner both on and off duty. Employees shall not engage in activities that reflect unfavorably on the CCSO but shall instead serve to further the mission of service.

VI. RULES AND REGULATIONS FOR ALL SWORN AND CIVILIAN CCSO EMPLOYEES

- A. Compliance with Laws, Ordinances, and Regulations.
 - 2. Employees shall comply with lawful rules, Sheriff's Office written directives, verbal orders, SEAM articles, and political prohibitions issued by the proper authorities.
- D. Prohibited associations, establishments, and activities.

CCSO employees shall not:

 - 25. Fail to cooperate or fail to be truthful with external and/or internal agencies in an investigation of a criminal or civil matter.
- H. Reporting violations.
 - 4. Employees are prohibited from making a false report, written or oral.

- I. Cooperation within the CCSO and with other agencies.
CCSO employees shall:

1. Truthfully answer all questions, provide proper materials, and provide truthful and relevant statements when the employee is involved in an investigation, either as the subject or not, as long as the employee's rights are preserved.

Furthermore, the Respondent's actions violated the Rules and Regulations of the Cook County Sheriff's Merit Board, specifically:

Cook County Sheriff's Department Merit Board Rules and Regulations, in its entirety, including but not limited to, the following subparts:

Article X, Paragraph B:

No Police Officer, Police Sergeant, Police Lieutenant of the Cook County Sheriff's Police Department, Correctional Officer, Correctional Sergeant, Correctional Lieutenant, Correctional Captain of the Cook County Department of Corrections or Deputy Sheriff, Deputy Sergeant, Deputy Lieutenant of the Cook County Sheriff's Court Services Department will:

1. Violate any Law or Statute of any State or of the United States of America.
3. Violate any of the Sheriff's Executive Orders, General Orders, Special Orders, Directives or Rules and Regulations of the Cook County Sheriff's Department or Cook County Sheriff's Merit Board Rules and Regulations.

Findings of Fact

This matter was called for trial on June 23, 2016, after the case was continued on several occasions based upon the needs of the Petitioner (Sheriff) and/or the Respondent's request through counsel, and the completion of all discovery matters. At the trial, with a court reporter being present, all witnesses were sworn under oath. The Respondent did testify. During the trial documents were introduced by the Sheriff and the Respondent that were received into evidence. The Sheriff and Respondent made closing arguments addressing issues in the trial.

After a brief opening statement by the Sheriff and the Respondent, the Sheriff called Officer [REDACTED], CCSP. Officer [REDACTED] testified he had been with the CCSP for approximately 15 years and that he was on duty on April 15, 2012. Officer [REDACTED] testified on April 15, 2012, he received a call to respond to a fight in progress at the Atlantis Gentleman's Club (Atlantis), 1897 Stoney Island (Ford Heights, IL). Officer [REDACTED] testified that he was working with a partner and they arrived at Atlantis at approximately 3:52 am, upon his arrival he observed two individuals being separated by security at the Atlantis. He identified one of the individuals as being the Respondent. Officer [REDACTED] described the Respondent as being "irate, yelling, and arguing with security." He did not observe any visible injuries to the Respondent. Officer [REDACTED] observed another individual located on the other side of a parking partition, later identified as [REDACTED] ([REDACTED]). [REDACTED] had visible injuries on his person to include "blood coming from his head." Officer [REDACTED] partner was talking to him.

Officer [REDACTED] placed the Respondent in investigative custody as he was unable to "calm down" the Respondent. Officer [REDACTED] testified he knew that a battery had occurred. Officer [REDACTED] placed the Respondent in handcuffs before placing him in his police vehicle. Officer [REDACTED] went back inside and received a full statement from the club's bouncer and other witnesses. After Officer [REDACTED] conducted his interviews he arrested the Respondent for battery. Officer [REDACTED] conducted a "pat-down" of the Respondent and the Respondent said "I'm one of you, I'm one of you." Officer [REDACTED] understood this statement from the Respondent to mean that he was identifying himself as a police officer. Officer [REDACTED] recovered the Respondent's Cook County ID and Star from his person. Officer [REDACTED] testified that, based on witness accounts, he did not arrest [REDACTED].

Officer [REDACTED] testified he read the Respondent his rights and the Respondent responded, "I know my rights. I'm one of you." The Respondent informed Officer [REDACTED] that his service weapon was in the Respondent's vehicle. Officer [REDACTED] informed his sergeant, Sgt [REDACTED], who was now at the scene, about the Respondent's service weapon. Sgt [REDACTED] had the Respondent's vehicle transported to the Markham lot. Officer [REDACTED] transported the Respondent to the Markham lockup. Officer [REDACTED] said the Respondent was still irate, "because he was trying to understand why we treating him like this, because we were on the same team, he was one of us." Officer [REDACTED] said that he could tell the Respondent had been drinking based on the smell of alcohol on his breath. Officer [REDACTED] learned a weapon was recovered from the Respondent's vehicle and was inventoried in accordance with CCSP inventory procedures. It was logged under number [REDACTED].

On cross-examination of Officer [REDACTED], he testified the Respondent's service weapon was in the trunk of the Respondent's car.

[REDACTED] was called as a witness and testified that he was an investigator the CCSD Office of Professional Review (OPR) and had been so employed since July of 2013.

Investigator [REDACTED] testified that he was assigned the investigation involving the Respondent in 2014. He testified that the Respondent notified OPR in 2012 that he had been arrested for battery (Exhibit 1). Investigator [REDACTED] confirmed his arrest through the CCSP. As part of his investigation, Investigator [REDACTED] testified that he interviewed Officer [REDACTED] the Respondent and a witness named [REDACTED]. He also attempted to interview [REDACTED], who was the victim of the battery by the Respondent.

Investigator [REDACTED] testified he interviewed the Respondent on January 15, 2015, at OPR, with Investigator [REDACTED], OPR. At the beginning of the interview the Respondent was furnished with a Notification of Allegations, Proceedings Rights and the Right to Waiver of Counsel Form Notification (Exhibit 2). These documents were signed and dated by the Respondent and included a de-deputation form of the Respondent dated April 16, 2012.

Investigator [REDACTED] questioned the Respondent as to his version of the events regarding the incident. The Respondent informed Investigator [REDACTED] there was a verbal altercation and then physical altercation between the Respondent and four or five other men at the Atlantis. The Respondent informed Investigator [REDACTED] that he was defending himself and he was outnumbered. The Respondent told Investigator [REDACTED] that he was "head butted" by one of the men and knocked unconscious. The Respondent said he had two alcoholic beverages and did not know why the arresting officer (Officer [REDACTED]) said he was uncooperative.

Investigator [REDACTED] testified he believed the answers the Respondent provided to him in his interview were not truthful. Investigator [REDACTED] asked the Respondent if he kicked [REDACTED] in the groin or the head. The Respondent told him that he did not kick [REDACTED] and did not know what caused his head to bleed. Investigator [REDACTED] had the Respondent review, sign and date his statement (Exhibit 2). Investigator [REDACTED] confirmed that the Respondent had his service weapon in the trunk of his car, which was recovered by the CCSP after the Respondent was arrested. Investigator [REDACTED] matched the serial number of this weapon to the CCSD data base which showed this was the weapon issued to the Respondent.

The Sheriff introduced Sheriffs General Order 4.1 (Exhibit 3), Sheriff's Order 09-1 (Exhibit 4), Sheriff's Order 11.2.20.0 (Exhibit 5); and General Order 3.8 (Exhibit 6), all as exhibits.

On cross-examination, Investigator [REDACTED] testified that he was unable to contact [REDACTED]. He said that he sent him a certified letter too. He was shown a copy of the letter and receipt which he identified as the letter he sent to [REDACTED] (R-Exhibit 1). He identified a copy of a case initiation form, dated April 17, 2012 (R-Exhibit 2), as being a copy of the case initiation form regarding the Respondent. Investigator [REDACTED] testified that the Respondent was represented by a union representative at the time of his interview at OPR.

The sheriff rested and the Respondent's counsel called the Respondent as a witness. The Respondent testified that he had been with the CCDOC for six years.

The Respondent testified that on the April 15, 2012, he was off duty and he had been picked up by a buddy to go to the Atlantis. The Respondent said he drove and his weapon was on him when he drove to the club and upon his arrival he put his weapon in the trunk of his car. He was asked why he put it into the trunk and he responded that "I didn't want to take it inside with me." The Respondent was asked why he had his weapon with him and he replied, "I always carry my weapon." He was asked if he knew that he was not supposed to leave his gun in the car at the time. The Respondent testified, "Yes, I did, it was a mistake." The Respondent

was asked, "how is it that you expect the Board to believe that you only had two alcoholic beverages that night?" The Respondent testified, *"I've always been like that. I got low tolerance to alcohol. That's why I don't drink now."*

The Respondent testified that he had stopped drinking four years ago. He said his intention of going to the Atlantis on April 15, 2012, was not to get intoxicated but to go out with the strippers afterwards as his buddy knew the women. The Respondent testified that after having the two drinks he wound up becoming intoxicated. The Respondent said he walked over to the bar and he was approached by a couple of men. He said they were speaking in a different language and they shoved him and he shoved them back. He did not believe anyone hit anyone at the time. He said that he was asked to leave the Atlantis as were some other people. The Respondent said he could not recall what started the incident, he testified *"When I drink, I get flashes, so that's why I don't remember that part, I don't remember that at all."*

The Respondent said when he was outside he was *"head butted, and I was bleeding from my head also."* He said when he woke up, he was in the back seat of Officer [REDACTED]'s patrol car. He could not remember any of his specific interactions with Officer [REDACTED] because he was intoxicated. He could not recall saying anything to Officer [REDACTED] while he was in the patrol car. The Respondent said he never flashed his own badge. He recalled speaking to a sergeant at the Markham Station who told him to calm down.

The Respondent testified he did make a statement to OPR (Exhibit 2). He testified that when he said in his statement, *"C/O Meza stated that he did not know why he was arrested,"* he meant the night of the event. He said when he said in his statement to OPR, *"C/O Meza stated that he did not kick the victim named in the arrest report [REDACTED] either in the groin or the head,"* it was because he did not remember kicking him. He testified when he told OPR, *"C/O Meza stated he did not know why the arresting officer described him as being totally uncooperative once arrested,"* it was *"Because I don't believe I was."* The Respondent testified, *"I may have been due to the alcohol, but I don't recall that, that's why I said that. I might have been. Honestly, I just don't remember that."*

On cross-examination, the Respondent said his memory of the evening *"was a little patchy."* He testified that he did remember having two vodka drinks, remembered going to the bar, remembered a group of individuals starting a fight with him in the bar, remembered they were speaking a different language, and remembered that they were all asked to leave. He was asked if he was then attacked by the group of individuals and the Respondent replied, *"No I was attacked by one. He head butted me outside."* He was asked if it was then that he lost consciousness and can't remember. The Respondent testified, *"No, I had flashes before that too, but that's when I got hit, yes."* He testified that he woke up in an officer's vehicle and said he did not remember showing the officer his badge. He did not remember telling the officer that he was going to sue them if he lost his job. He did not remember telling the officers that this is the last time they're going to see him. He did not remember being uncooperative with security from the strip club. He was asked if he stated to the officers in the Markham lockup, *"I'm going to put a lawsuit against all the officers involved, and if I lose my job, you are going to see me again."* The Respondent testified, *"No, I never said that, I don't remember that."*

The Respondent testified that he went out that evening with his service weapon on him and that he was not on duty. He said that he always has his service weapon. He admitted he put his weapon in his vehicle and he knew it was a violation of the Sheriff's General Orders. The Respondent testified, *"It was a big mistake of mine."*

The Respondent testified that his friend who accompanied him that night was [REDACTED] but he did not see any of the events of the evening. The Respondent asked him to be a witness but since [REDACTED] said he did not see anything, there was no point.

The Respondent was asked if he testified that he was bleeding from his head that evening. The Respondent said, "yes I was." The Respondent said he that he heard Officer [REDACTED] testify that he did not observe any injuries on the Respondent. The Respondent said in his OPR statement he did not kick [REDACTED]. The Respondent testified that was what he told OPR and he testified, "*I want to say I don't remember kicking him.*" When asked if it was possible, the Respondent replied, "*It might have been, it might have happened. I don't remember, though.*" The Respondent said that he did not see [REDACTED] bleeding from his head.

After a brief redirect, the Respondent completed his testimony.

The Respondent asked for a group of documents to be included in the record regarding what they believed to be disparate treatment (R-Exhibit-3) in similar conduct cases. The documents were admitted to the record but the Respondent's objection was denied as the Board ruled that each matter stood on its own merits as was the case here. The Board further ruled that each of the other cases had their own unique facts that were addressed individually in their own hearings and were not part of the case involving the Respondent.

The Respondent rested and both parties delivered their closings.

Decision

The Board finds by a preponderance of the evidence through the testimony of the witnesses; the Respondent's interview with OPR (Exhibit 2); the Respondent's own testimony; and the supporting evidence that the Respondent left his service weapon unattended in his vehicle, while he was in a strip club/bar consuming at least two mixed vodka drinks. The Respondent admitted that he had a low tolerance to alcohol and further admitted he was intoxicated from the amount of alcohol he consumed. The Respondent admitted he was in a fight with [REDACTED] but his recollection of the fight was inconsistent with the facts.

The Respondent's version of the events, which lacks credibility regarding his encounter with [REDACTED], is suspect in that he claims that he was "head-butted" and bleeding which is not consistent with the investigation conducted by Officer [REDACTED] that led to the arrest of the Respondent. Officer [REDACTED] said the Respondent was not injured, was highly agitated and combative. Officer [REDACTED] said that [REDACTED] was the one who was bleeding from the head and not the Respondent. Officer [REDACTED] described the Respondent as being "irate, yelling, and arguing with security." He did not observe any visible injuries to the Respondent. Officer [REDACTED] observed [REDACTED] had visible injuries on his person to include "blood coming from his head." Officer [REDACTED] placed the Respondent in investigative custody as he was unable to "calm down" the Respondent. Officer [REDACTED] testified he knew that a battery had occurred. Officer [REDACTED] placed the Respondent in handcuffs as he put him in his police vehicle. Officer [REDACTED] went back inside and received a full statement from the club's bouncer and other witnesses. After Officer [REDACTED] conducted his interviews he arrested the Respondent for battery. Officer [REDACTED] conducted a "pat-down" of the Respondent and the Respondent said "I'm one of you, I'm one of you." Officer [REDACTED] understood this statement from the Respondent to mean that he was identifying himself as a police officer. Officer [REDACTED] recovered the Respondent's Cook County ID and Star from his person. The Respondent's service weapon was later recovered from the trunk of his car after being towed to the Markham Station.

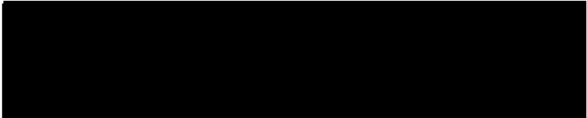
The Respondent's conduct; his consumption of alcohol while knowing he had a low tolerance of alcohol; bringing his weapon with him while knowing in advance he was going to a bar; securing his weapon in the trunk of his personal vehicle in the parking lot of a bar/strip club; knowing the CCSO prohibition of leaving a weapon unattended; getting in a fight at a bar after consuming alcohol; attempting to use his position as a law enforcement officer to mitigate the situation; being arrested after consuming alcohol and fighting; and his failure to be candid with OPR, were not in compliance with the standards set for and expected of members of the CCSO.

Conclusions of Law

Based on the evidence presented and after assessing the credibility of the witnesses and the weight to be given the evidence in the record, the Board finds that Respondent Enrique Meza, Jr., Star Number 16542, Correctional Officer, CCDOC, did violate General Order 4.1, Section III, A5&17; General Order 3.8, Section III, A1&4, B6, and D6; Sheriff's Order 09-1, Sections II, IV, A-C, and VI; Sheriff's Order 11.2.20.0, Sections II and VI, A2, D25, H4 and I1; and Article X, Paragraph B1 and 3, of the Rules of the Cook County Sheriff's Merit Board.

Wherefore, based on the foregoing, it is hereby ordered that the Respondent Enrique Meza, Jr., be and is separated from employment with the Cook County Sheriff's Office effective October 21, 2015.

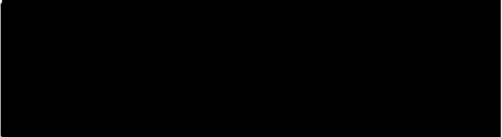

James P. Nally, Chairman


Byron Brazier, Vice Chairman


Gray Mateo-Harris, Board Member


John J. Dalicandro, Secretary


Jennifer E. Bae, Board Member


Kim R. Widup, Board Member


Patrick Brady, Board Member


Vincent T. Winters, Board Member

Dated:

February 3, 2017